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**From:** INAHARA Jill [Jill.INAHARA@state.or.us]  
**Sent:** 1/27/2021 2:55:44 AM  
**To:** Glass, Geoffrey [GLASS.GEOFFREY@EPA.GOV]  
**Subject:** RE: Agricultural waste in an ACI?

Thanks much for your help on this, Geoffrey!  
Jill

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**From:** Glass, Geoffrey <GLASS.GEOFFREY@EPA.GOV>  
**Sent:** Tuesday, January 26, 2021 2:23 PM  
**To:** INAHARA Jill <Jill.INAHARA@state.or.us>  
**Cc:** DEFEHR DANIEL <Daniel.Defehr@state.or.us>; HOFFMAN Matt <Matt.Hoffman@state.or.us>; LI Weston <Weston.Li@state.or.us>  
**Subject:** RE: Agricultural waste in an ACI?

Jill:

I brought this up on our monthly incinerator call.

In general, agricultural waste would not be included in the categories that would make an ACI subject only to the opacity limits (wood waste, clean lumber, and yard waste). Furthermore, the type of incinerator you describe would be located at a commercial operation and combusting commercial waste.

This was not a formal request for an applicability determination, so this is not a final agency decision, but most likely, such a unit would be subject to the CISWI standard.

Of course, there could be extenuating circumstances. For example, for a temporary unit clearing debris during a state of emergency or if burning was required by USDA.

I hope this helps,

Geoffrey

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**From:** INAHARA Jill <Jill.INAHARA@state.or.us>  
**Sent:** Wednesday, January 20, 2021 4:27 PM  
**To:** Glass, Geoffrey <GLASS.GEOFFREY@EPA.GOV>  
**Cc:** DEFEHR DANIEL <Daniel.Defehr@state.or.us>; HOFFMAN Matt <Matt.Hoffman@state.or.us>; LI Weston <Weston.Li@state.or.us>  
**Subject:** Agricultural waste in an ACI?

Hi Geoffrey,

I got another question about whether burning agricultural waste in an ACI is allowed, particularly hemp waste. Below are the rules I found and what I think they mean. Please correct me if I got it wrong. And I assume your response will cover vineyard waste also since it seems like agricultural waste.

I think we would be hard pressed to say that yard waste includes agricultural waste. I think since agricultural waste is included in the definition of solid waste, it would make the ACI an OSWI, not an ACI and they would have to comply with all of Subpart EEEE, not just the ACI parts.

#### Subpart EEEE—Standards of Performance for Other Solid Waste Incineration Units

Yard waste means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. Yard waste comes from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include two items:

- (1) Construction, renovation, and demolition wastes.
- (2) Clean lumber.

Solid waste means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

Other solid waste incineration (OSWI) unit means either a very small municipal waste combustion unit or an institutional waste incineration unit, as defined in this subpart. Unit types listed in §60.2887 as being excluded from the subpart are not OSWI units subject to this subpart. While not all OSWI units will include all of the following components, an OSWI unit includes, but is not limited to, the municipal or institutional solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The OSWI unit does not include air pollution control equipment or the stack. The OSWI unit boundary starts at the municipal or institutional waste hopper (if applicable) and extends through two areas:

- (1) The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and
- (2) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The OSWI unit includes all ash handling systems connected to the bottom ash handling system.

But then the definition of OSWI points to municipal.....and that doesn't include agricultural, correct?

Very small municipal waste combustion unit means any municipal waste combustion unit that has the capacity to combust less than 35 tons per day of municipal solid waste or refuse-derived fuel, as determined by the calculations in §60.2975.

Municipal waste combustion unit means, for the purpose of this subpart and subpart FFFF of this part, any setting or equipment that combusts municipal solid waste (as defined in this subpart) including, but not limited to, field-erected, modular, cyclonic burn barrel, and custom built incineration units (with or without energy recovery) operating with starved or excess air, boilers, furnaces, pyrolysis/combustion units, and air curtain incinerators (except those air curtain incinerators listed in §60.2888(b)).

Municipal solid waste means refuse (and refuse-derived fuel) collected from the general public and from residential, commercial, institutional, and industrial sources consisting of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials and non-combustible materials such as metal, glass and rock, provided that: (1) the term does not include industrial process wastes or medical wastes that are segregated from such other wastes; and (2) an incineration unit shall not be considered to be combusting municipal solid waste for purposes of this subpart if it combusts a fuel feed stream, 30 percent or less of the weight of which is comprised, in aggregate, of municipal solid waste, as determined by §60.2887(b).

Okay, I've talked myself into a circle. Please clarify whether agricultural waste (no matter what agricultural waste it is) is allowed to be burned in an ACI.

Thanks much, Geoffrey!

Jill